

February 6, 2018

Dean Maureen O'Rourke  
Council Chair  
ABA Section of Legal Education and Admissions to the Bar

Dear Dean O'Rourke,

We urge the Council of the American Bar Association Section of Legal Education and Admissions to the Bar to adopt Version 3 of the employment questionnaire developed by the Standards Review Committee. The current employment questionnaire harms students by disincentivizing law school-funded positions. Version 3 allows law schools to include law school-funded positions in their total full-time, long-term job counts, but still requires them to report separately on law school-funded positions. The Council should adopt this version because it corrects the problems with the current questionnaire, and acts as a compromise for those who still think law schools should report law school-funded positions.

Law schools that provide postgraduate employment funding extend an essential bridge for students pursuing jobs that require bar passage, support students who are still seeking permanent employment, and represent law schools' commitments to helping graduating students succeed. The current questionnaire substantially devalues most law school-funded positions by requiring law schools to report them as "Short Term" positions, regardless of how long the student is actually employed. Unless the ABA changes the questionnaire in a way that treats law school-funded positions like other jobs, law schools that provide funding for postgraduate employment may discontinue these beneficial programs.

Those who supported the ABA's initial decision to discount law school-funded positions did so with the belief that the change was beneficial to students. Discounting law school-funded positions has had the opposite impact and is, in fact, harmful to students. Law school funding provides essential support to graduates who are still looking for a job. Many students rely on law school support because the jobs they seek require bar membership before a law school graduate may apply. With bar results returning many months after the bar exam and swearing in ceremonies taking place a few months later, graduates may not be able to apply for certain legal jobs for six months or more after graduation. Law school funding allows students to participate in gainful employment opportunities that offer real legal work experience during the intervening months. Law school-funded positions put students to work in legal jobs that they otherwise could not obtain.

Furthermore, law school funding for postgraduate employment represents the legal profession's commitment to ensuring that its students have every opportunity to obtain and maintain

employment after graduation. Law school is a substantial investment. By offering these programs, law schools show their students that they are willing to give back and support them as they navigate a difficult job market. In turn, many students in these programs give back to the community by taking positions in the public sector. Such programs are an essential piece of law schools' commitment to placing students in public interest legal work, and the ABA should incentivize, rather than actively disincentivize, furthering this commitment.

Ultimately, the ABA should remove distinctions between law school-funded positions and other forms of postgraduate employment because law school-funded positions provide important protections for young lawyers, and because treating them the same on the employment questionnaire creates an incentive for law schools to continue or start these programs. The questionnaire proposed by Professor Paul Mahoney, a member of the Council, would have best served these interests, but Version 3 is a step towards alleviating the problems with the current questionnaire.

For these reasons, we, on behalf of our respective Student Bar Associations, urge the Council to adopt Version 3 as the new questionnaire for employment reporting purposes. Thank you.

Respectfully submitted,

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